

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,) 4:09CR3117
)
)
 v.))
)
TRAVES RUSH, and MARCUS) MEMORANDUM AND ORDER
SHORT,)
)
)
 Defendants.)

Defendant Rush has moved to continue the pretrial motion deadline currently set for December 23, 2009. Filing No. [30](#). Defense counsel explains he needs additional time to review discovery, confer with his client, and determine if pretrial motions should be filed. Counsel for the government does not oppose defendant Rush's motion. The court finds the motion should be granted.

IT IS ORDERED:

- 1) Defendant Rush's unopposed motion to continue, (filing no. [30](#)), is granted and the defendants' pretrial motions and briefs shall be filed on or before January 6, 2010.
- 2) The ends of justice will be served by granting defendant Rush's motion to continue the pretrial motion deadline, and outweigh the interests of the public and the defendants in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between December 23, 2009 and January 6, 2010, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the

failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

- 3) The trial of this case remains set to commence on January 25, 2010 before Judge Warren K. Urbom.

DATED this 23rd day of December, 2009.

BY THE COURT:

Richard G. Kopf
United States District Judge